

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Jeffrey Weisen,

Court File No.

Plaintiff,

**DEFENDANT MENARD, INC. D/B/A  
MENARDS' NOTICE OF  
REMOVAL**

v.

Menard, Inc. d/b/a Menards,

Defendant.

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**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MINNESOTA.**

**NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. § 1441(a), Defendant Menard, Inc. d/b/a Menards ("Menards") removes to this Court the state court action described below. As grounds for removal, Menards states as follows:

**BACKGROUND**

1. On June 9, 2020, Plaintiff Jeffrey Weisen ("Plaintiff") commenced in Hennepin County District Court, First Judicial District, State of Minnesota, a civil action entitled *Jeffrey Weisen v. Menard, Inc. d/b/a Menards*. (the "Action"). A true and correct copy of Plaintiff's Summons and Complaint served upon Menards, and Menards' Answer to Plaintiff's Complaint, are attached as **Exhibit A** and **Exhibit B**, respectively. No further proceedings have taken place in the state action, other than Menards' filing of its Notice of Removal in state court on June 30, 2020.

2. The Complaint may be properly removed on the basis of federal question jurisdiction under 28 U.S.C. § 1441(a) and 28 U.S.C. § 1331. This matter involves questions of federal law that arise under Title III of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

3. This Notice is timely filed within 30 days of service of the Summons and Complaint on Menards. 28 U.S.C. § 1446(b).

4. For the foregoing reasons, Plaintiff's claims against Menards are properly removed to this Court as arising under the laws of the United States and presenting federal questions pursuant to 28 U.S.C. § 1331.

5. Further, the District Court may act in its discretion by exercising supplemental jurisdiction over any state law claims not completely preempted. 28 U.S.C. § 1367.

6. Menards submits this notice and petition without waiving any defenses to the claims asserted by Plaintiff, or conceding that Plaintiff has pleaded claims upon which relief may be granted.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a substantial part of the alleged events giving rise to Plaintiff's claims occurred in this judicial district.

8. In accordance with 28 U.S.C. § 1446, on June 30, 2020, Menards served a copy of this Notice of Removal upon Plaintiff's counsel of record, by e-mailing and depositing said Notice in the U.S. Mail addressed to Plaintiff's counsel of record.

9. In accordance with 28 U.S.C. § 1446, on June 30, 2020, Menards filed a copy of this Notice of Removal with the Hennepin County Court Administrator, Fourth Judicial District, State of Minnesota, by electronic filing.

10. Menards has paid the prerequisite court fees attendant to the filing of this Notice of Removal.

**WHEREFORE**, Defendant Menard, Inc. d/b/a Menards respectfully requests that the above-entitled action now pending against it in Hennepin County District Court, Fourth Judicial District, State of Minnesota, be removed to this Court.

Dated: June 30, 2020.

Lind, Jensen, Sullivan & Peterson  
A Professional Association

s/ Ryan P. Myers

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**ATTORNEYS FOR DEFENDANT MENARD, INC.  
D/B/A MENARDS**